

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 27, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

NICHOLAS HENRY FULCHER (5),

Defendant.

No. 2:23-CR-00046-MKD-5

ORDER GRANTING UNITED
STATES' MOTION TO DISMISS
INDICTMENT

ECF No. 305

Before the Court is the United States' Motion to Dismiss Indictment, ECF No. 305. The United States moves the Court to dismiss the Indictment, ECF No. 1, pursuant to Fed. R. Crim. P. 48(a). Fed. R. Crim P. 48(a) provides that "[t]he government may, with leave of court, dismiss an indictment, information, or complaint." The United States represents that Defendant Nicholas Henry Fulcher (5) died on or about November 20, 2023, in Sea-Tac, Washington. The Court has reviewed the record and the motion and finds good cause grant leave to dismiss the Indictment as to Defendant Fulcher (5).

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. The United States' Motion to Dismiss Indictment, **ECF No. 305**, is
3 **GRANTED.**

4 2. The Indictment, **ECF No. 1**, is **DISMISSED WITH PREJUDICE** as
5 to Defendant Fulcher (5) as to Counts 1 and 2.

6 3. As to Defendant Fulcher (5), any hearings set are **STRICKEN**, and
7 any pending motions are **DENIED AS MOOT.**

8 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
9 provide copies to counsel, the United States Probation Office, the United States
10 Marshals Service and **CLOSE** the file as to Defendant Fulcher (5).

11 **DATED** November 27, 2023.

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13 *s/Mary K. Dimke*
14 MARY K. DIMKE
15 UNITED STATES DISTRICT JUDGE
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